

Application No. 09/385,739

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM FRANCIS WEBER, MICHAEL JOSEPH WALRAVEN,
JARED CLARK and DANIEL CORNELIUS



Application No. 09/385,739

ORDER RETURNING UNDOCKETED APPEAL

On January 28, 2004, an Examiner's Answer was mailed (Paper No. 20). A review of the Examiner's Answer reveals that the information contained therein pertaining to the appeals conference is not in compliance with the Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., rev. 1, Feb. 2003). According to MPEP § 1208:

The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of

assistance in the consideration of the merits of the issues on appeal.

On the examiner's answer, below the primary examiner's signature, the word other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

The Examiner's Answer was not initialed or signed by the conferee's as required under MPEP § 1208. The Examiner's Answer needs to be remailed, clearly identifying the names and initials and/or signatures of all three of the conferee's.

Accordingly, it is

ORDERED that the application is returned to the examiner for:

- 1) the Examiner's Answer to be signed by all appropriate parties and forwarded to the appellant; and
- 2) for any further action as deemed appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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